



## Senate

General Assembly

**File No. 742**

January Session, 2015

Substitute Senate Bill No. 1114

*Senate, April 23, 2015*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE COMMISSION ON RACIAL AND ETHNIC DISPARITY IN THE CRIMINAL JUSTICE SYSTEM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 51-10c of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) There is established a Commission on Racial and Ethnic  
4 Disparity in the Criminal Justice System. The commission shall consist  
5 of the Chief Court Administrator, the Chief State's Attorney, the Chief  
6 Public Defender, the Commissioner of Emergency Services and Public  
7 Protection, the Commissioner of Correction, the Commissioner of  
8 Children and Families, the Child Advocate, the Victim Advocate, the  
9 chairperson of the Board of Pardons and Paroles, the chairperson of  
10 the African-American Affairs Commission, the chairperson of the  
11 Latino and Puerto Rican Affairs Commission, the chairperson of the  
12 Asian Pacific American Affairs Commission, or their designees, a  
13 representative of municipal police chiefs, a representative of a coalition  
14 representing police and correctional officers, six members appointed

15 one each by the president pro tempore of the Senate, the speaker of the  
16 House of Representatives, the majority leader of the Senate, the  
17 majority leader of the House of Representatives, the minority leader of  
18 the Senate and the minority leader of the House of Representatives,  
19 and two members appointed by the Governor. The Chief Court  
20 Administrator or said administrator's designee shall serve as  
21 chairperson of the commission. The commission shall meet [at such]  
22 quarterly and at such other times as [it] the chairperson deems  
23 necessary.

24 (b) The mission of the commission shall be to address the  
25 overrepresentation of racial and ethnic minorities, with particular  
26 attention to African-Americans and Latinos, in the state's criminal  
27 justice system, and shall include consideration of the impact of such  
28 racial and ethnic disparity on minority communities. The commission  
29 shall:

30 [(1) Develop and recommend policies for reducing the number of  
31 African-Americans and Latinos comprising the pretrial and sentenced  
32 population of correctional facilities and reducing the number of  
33 African-Americans and Latinos who are victimized by crime;

34 (2) Examine the impact of statutory provisions and current  
35 administrative policies on racial and ethnic disparity in the criminal  
36 justice system and recommend legislation to the Governor and the  
37 General Assembly to reduce such disparity;

38 (3) Research and gather relevant statistical data and other  
39 information concerning the impact of disparate treatment of African-  
40 Americans and Latinos in the criminal justice system;

41 (4) Develop and recommend a training program for personnel in  
42 agencies involved in the criminal justice system concerning the impact  
43 of disparate treatment of African-Americans and Latinos;

44 (5) Research and examine the issue of the use of guidelines by courts  
45 when sentencing criminal defendants and recommend whether the

46 General Assembly should create a sentencing guidelines commission  
47 to establish sentencing guidelines for state courts;

48 (6) Examine the implementation of policies and procedures that are  
49 consistent with policies of the American Bar Association intended to  
50 ensure that death penalty cases are administered fairly and impartially  
51 in accordance with due process, to minimize the risk that innocent  
52 persons may be executed and to eliminate discrimination in capital  
53 sentencing on the basis of the race of either the victim or the defendant;

54 (7) Annually prepare and distribute a comprehensive plan to reduce  
55 racial and ethnic disparity in the criminal justice system without  
56 affecting public safety;

57 (8) Develop and recommend policies and interventions to reduce  
58 the number of African-Americans and Latinos in the juvenile justice  
59 system;

60 (9) Analyze the key stages in the juvenile justice system to  
61 determine if any stage disproportionately affects racial or ethnic  
62 minorities including the decision to arrest a juvenile, the decision to  
63 turn a juvenile over to a detention center, the decision to nonjudicially  
64 dispose of the case or to file a petition of delinquency, and the decision  
65 to resolve the case by placement on probation, placement in a  
66 residential facility or placement at Long Lane School or the  
67 Connecticut Juvenile Training School;

68 (10) Annually prepare and distribute a juvenile justice plan having  
69 as its goal the reduction of the number of African-Americans and  
70 Latinos in the juvenile justice system, which plan shall include the  
71 development of standard risk assessment policies and a system of  
72 impartial review, culturally appropriate diversion programs for  
73 minority juveniles accused of nonviolent felonies, intensive in-home  
74 services to families of pretrial delinquents and youths on probation,  
75 school programs for juveniles being transferred from detention centers,  
76 Long Lane School or the Connecticut Juvenile Training School, the  
77 recruitment of minority employees to serve at all levels of the juvenile

78 justice system, the utilization of minority juvenile specialists to guide  
79 minority juvenile offenders and their families through the juvenile  
80 justice system, and community service options in lieu of detention for  
81 juveniles arrested for nonserious offenses;

82 (11) Develop a curriculum for training of all employees at all levels  
83 of the juvenile justice system on issues of cultural competency and  
84 strategies to address disproportionate minority confinement;

85 (12) Submit an annual report to the Governor and the General  
86 Assembly concerning:

87 (A) The number of African-Americans and Latinos comprising the  
88 pretrial and sentenced population of correctional facilities;

89 (B) The progress being made toward reducing the number of  
90 African-Americans and Latinos comprising the pretrial and sentenced  
91 population of correctional facilities;

92 (C) The adequacy of legal representation for indigent defendants;

93 (D) The adequacy of the number of residential and nonresidential  
94 treatment slots available for African-Americans and Latinos;

95 (E) The adequacy of the number of court interpreters; and

96 (F) Such other information as the commission deems appropriate.]

97 (1) Sponsor conferences, forums and educational and training  
98 programs on the causes, effects and implications of racial and ethnic  
99 disparity in the state's criminal justice system;

100 (2) Collaborate with national, state and local organizations and  
101 institutions to identify strategies for reducing racial and ethnic  
102 disparity in the state's criminal justice system;

103 (3) Develop, evaluate and recommend promising and emerging  
104 policies and practices, including any legislation to implement such  
105 policies and practices;

106     (4) Determine whether any statutory provision negatively impacts  
107     the racial and ethnic disparity in the state's criminal justice system and  
108     recommend statutory changes to the Governor and General Assembly  
109     to reduce such impact;

110     (5) Make recommendations to the Governor, the General Assembly  
111     and state and local agencies and organizations on the implementation  
112     of any such strategy, policy, practice or legislative change; and

113     (6) Assess the impact of any implementation of such strategies,  
114     policies, practices or legislative changes.

115     (c) [The] Not later than January 15, 2017, and biennially thereafter,  
116     the commission shall report, in accordance with the provisions of  
117     section 11-4a, to the Governor and the General Assembly [, not later  
118     than January first of each year, concerning additional resources that  
119     should be made available to reduce racial and ethnic disparity in the  
120     criminal justice system without affecting public safety] concerning the  
121     activities and accomplishments of the commission. Such report shall  
122     cover the time period since the previous report.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2015	51-10c
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**JUD**        *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill adds the chairperson of the Asian Pacific American Affairs Commission to the Commission on Racial and Ethnic Disparity in the Criminal Justice System and redefines the Commission's duties. There is no fiscal impact to the state or municipalities anticipated as the bill conforms statute to the current practice of the Commission.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****sSB 1114*****AN ACT CONCERNING THE COMMISSION ON RACIAL AND ETHNIC DISPARITY IN THE CRIMINAL JUSTICE SYSTEM.*****SUMMARY:**

This bill makes several changes to the Commission on Racial and Ethnic Disparity in the Criminal Justice System. Among other things, it:

1. increases, from 21 to 22, the commission's membership by adding the chairperson of the Asian Pacific American Affairs Commission;
2. requires the commission to meet quarterly and when the chairperson deems it necessary, instead of only when the commission deems it necessary;
3. establishes the commission's mission;
4. eliminates existing duties and creates new ones; and
5. suspends the existing annual reporting requirement and replaces it with new biennial reporting requirements starting by January 1, 2017.

EFFECTIVE DATE: October 1, 2015

**COMMISSION'S MISSION**

Under the bill, the commission must address the overrepresentation of racial and ethnic minorities, with particular attention to African-Americans and Latinos, in the state's criminal justice system, including consideration of the impact of such racial and ethnic disparity on minority communities.

**DUTIES**

The bill eliminates the commission's existing duties and instead requires it to:

1. sponsor conferences, forums, and educational and training programs on the causes, effects, and implications of racial and ethnic disparity in the state's criminal justice system;
2. collaborate with national, state, and local organizations and institutions to identify strategies for reducing racial and ethnic disparity in the state's criminal justice system;
3. develop, evaluate, and recommend promising and emerging policies and practices, including any legislation to implement such policies and practices;
4. determine whether any statutory provision negatively impacts the racial and ethnic disparity in the state's criminal justice system and recommend statutory changes to the Governor and General Assembly to reduce such impact;
5. make recommendations to the Governor, the General Assembly, and state and local agencies and organizations on the implementation of any such strategy, policy, practice, or legislative change; and
6. assess the impact of implementing any such strategies, policies, practices, or legislative changes.

Under current law, among other things, the commission must develop and recommend policies for reducing the number of minorities in the criminal justice system; examine the impact of statutes and policies on any such disparities; research and gather statistical data on the impact of such disparities; develop and recommend training programs for criminal justice system personnel; prepare annual comprehensive plans to reduce racial and ethnic disparity and the number of minorities in the juvenile justice system;



analyze the key stages in the juvenile justice system to determine any stage where there is disparate impact; and annually prepare and distribute a juvenile justice plan to reduce the number of minorities in the juvenile justice system.

**Reporting**

Under current law, the commission is required, by January 1st, to annually report to the General Assembly on the additional resources that should be made available to reduce racial and ethnic disparity in the criminal justice system without affecting public safety. The bill suspends this requirement and replaces it with a new reporting requirement. Under the bill, the commission must, starting by January 1, 2017 and biennially after that, report to the Governor and the General Assembly on its activities and accomplishments since the period after the previous report.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 44 Nay 0 (04/09/2015)